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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,804	09/28/2000	Alexander C. Wall	FMS92302	7917

7590

09/08/2003

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EXAMINER

FUNK, STEPHEN R

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 09/08/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/671,804

Applicant(s)

WALL ET AL.

Examiner

Stephen R Funk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 14-16, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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This application contains claims 1 - 10 drawn to an invention nonelected with traverse in Paper No. 7. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

The substitute specification filed July 28, 2003 has been entered.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 13, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuriyama et al. (US 5,669,304) in view of Mairon (US 5,152,223).

Kuriyama et al. teach a method of making a marking stamp (7) comprising inputting type data to a computer (2), printing at least one photonegative (52) and placing it optically adjacent to cavity (73) formed by the cover (72), filling the cavity with light curable photopolymer (73A), exposing the photopolymer through the negative (column 8 line 38+), and removing the exposed die (71, 73A) from the cavity (73) formed by cover (72). Kuriyama et al. do not teach placing the die on a platen of a self inker stamp body. In fact, Kuriyama et al. do not teach how to use the marking die. Kuriyama et al. also do not teach finishing the stamp in about 5 minutes. However, finishing the stamp in about 5 minutes would have been obvious to one of ordinary skill in the art through routine experimentation in selecting a fast curing photopolymer.

Mairon teaches bonding a marking die (stamping strip) on a platen (20) of a self-inking stamp. See column 3 lines 44 - 52 and Figures 2 and 7a - 7f of Mairon, for example. It would

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have been obvious to one of ordinary skill in the art to provide the method of Kuriyama et al. with the step of placing the marking die on a platen of a self-inking stamp in view of Mairon so as to provide the ease of self-inking the marking die.

With respect to claim 13 Kuriyama et al. do not disclose a customer inputting the type data in the key input section (2). See column 7 lines 18 - 30 of Kuriyama et al., for example. However, it would have been obvious to one of ordinary skill in the art to charge a customer to utilize the method and apparatus of Kuriyama et al.

With respect to claim 17 see column 11 lines 19 - 28 of Kuriyama et al.

With respect to claim 18 it would have been obvious to one of ordinary skill in the art to use an adhesive to "bond" the marking die of Kuriyama et al. to the platen of Mairon.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuriyama et al. in view of Mairon as applied to the claims above, and further in view of The Stamp Man.

The Stamp Man discloses the conventionality of inputting type data (order guide) for a stamp over the Internet. It would have been obvious to one of ordinary skill in the art to provide the method of Kuriyama et al., as modified by Mairon, with the step of inputting the type data over the Internet in view of The Stamp Man so as to allow consumers to remotely customize a stamp.

Claims 14 - 16, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With respect to claim 19 applicant's amendment clearly distinguishes from the cavity plate of Kuriyama et al.

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Applicant's arguments filed July 28, 2003 have been fully considered but they are not persuasive. Applicant argues that the marking die of Kuriyama et al. appears to be a finished stamp and the relief characters could not easily be transferred to the platen of Mairon. However, the die of Kuriyama et al. is integral with, and includes, the stock (71) which could be made of resin, metal, or wood and accordingly could easily be placed on a platen, such as the one taught by Mairon, so as to provide the advantages of a self inking stamp. Applicant's argument that the relief characters would need to be detached from the stock is contradictory with the teachings of Kuriyama et al. that the characters are adhered to the stock. Although the stock of Kuriyama et al. may appear large from the drawings there is no preclusion from simply adapting either the stock or the platen to accommodate the other. It is noted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). With respect to claim 12 applicant appears to rely on limitations that are not recited in the claim. With respect to claim 13 the step of inputting the data by a customer would appear to be merely a business decision. It is noted that applicant's stamp also requires cleaning steps and the time constraint, lacking any specific steps to distinguish from Kuriyama et al., does not patentably differentiate from the method of Kuriyama et al. With respect to claim 17 Kuriyama et al. teach the step as recited. There is no preclusion from also using water if necessary to remove uncured polymer.

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (703) 308-0982.

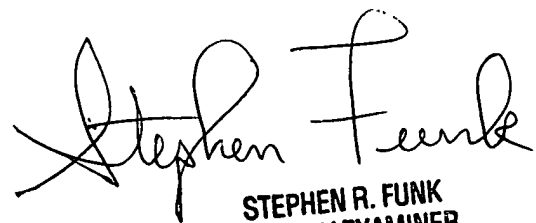
The examiner can normally be reached Monday - Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached on (703) 305-6619.

The fax phone number for *official* papers is (703) 308-7722, 7724. The fax number for those wishing an auto-reply verifying receipt of *official* papers is (703) 872-9318 or for After Final actions is (703) 872-9319. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SRF  
September 4, 2003

  
**STEPHEN R. FUNK**  
**PRIMARY EXAMINER**